

Bruce Arnoff A754939

FILED

Richland Correctional Institution

MAY 02 2022

P.O. Box 8107

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Mansfield, Ohio 44901

JUDGE GAUGHAN

IN THE UNITED STATES DISTRICT COURT

MAG. JUDGE PARKER

6TH DIVISION, NORTHEASTERN, OHIO

Bruce Arnoff

:

CASE NO.: 1:22 CV 707

Plaintiff

:

Judge: _____

Vs.

:

Ohio Case No.(s): 21CV1324, 21CA011765,

20 CV202189

Lorain County Jail/Sherriff

:

CIVIL RIGHTS COMPLAINT

9895 Murray Ridge Rd.

:

By a PRISONER

Elyria, Ohio 44035

:

(Second Amended Complaint- refileng)

A. JURISDICTION

1. 28 U.S.C. §1343 (a), 42 U.S.C. § 1983
2. Institution where violation occurred: Lorain County Jail

B. DEFENDANTS:

- 1) Name of first Defendant: Lorain County Jail Warden (Phil Stammiti?) 9896 Murray Ridge Road, Elyria, Ohio 44034
- 2) Name of Second Defendant: Lorain County Sheriff

C. PREVIOUS LAWSUITS:

a) Prior Lawsuits:

1. Parties: Lorain County Jail/Sherriff

Ohio Case No.(s): Ohio Supreme Court: 21-1324,

9th District Court of Appeals: 21CA011765,

Lorain County Court: 20CV202189

2. U.S. District Court Case Number: 1:20 CV 02668 – dismissed, told Plaintiff to refile in Ohio Courts, even though the Lorain County Court was the one that sent the case to the US District Court. When the State of Ohio Court gave Jurisdiction to the U.S. District Court, it should have been accepted.

3. Result: Dismissed: State of Ohio Courts kept improperly dismissing the case without ever ruling on the merits. They purposefully denied Plaintiffs' Constitutional Right to Due Process and Right to be Heard. (14th Amendment) They kept insisting they had "Sovereign Immunity under R.C. 2744.03, when under the same statute, B (6) exceptions to Sovereign Immunity stated clearly that "wanton, reckless and bad faith acts" waived their immunity. Case law was presented to verify the precedents.

D. CAUSE OF ACTION

COUNT 1:

1. State the Constitutional Right Violated: Due Process Clause of the 14th Amendment – requires that a pretrial detainee receives reasonable care and is kept in a safe and secure environment.
2. Count 1 – Identify the Issue involved: Improper Design and Maintenance of shower, Threat to Safety, Deliberate Indifference & Negligence and Improper Medical Care
3. **Supporting Facts:**

I was a Pre-Trial Detainee at Lorain County Jail. The shower in the cell pod was @ 6 feet by 12 feet, with 3 shower heads. The large area had a 4-inch partition you had to step over to enter the area. The shower was non-ADA compliant and had no area for the elderly or handicapped to sit. There were no handrails or anti-skid mats to prevent the inmates from falling. The Sheriff, Warden, his Officers and other employees of the Jail were negligent and deliberately indifferent as they failed to fix the problem of Black Mold and Leeches coming up from the shower drain, which had been occurring for many years. **When the mold drained, it left the shower floor slippery and caused me to slip and fall.** When I fell, I had nothing to grab onto and dislocated the middle and fourth fingers on my right hand when I tried to stop the fall. When my head hit the cement floor, **the pressure of the fall caused my right eardrum to be ruptured.**

I was taken to the medical office and a Nurse looked at the eardrum, saw blood and said "it will clear up in a few weeks" and gave me aspirin. She wrapped up my dislocated fingers and said "they look like they are straight; they will heal in a few weeks. Despite numerous requests, I was NEVER seen by a Doctor, never X-rayed, no Concussion Protocol was followed. I kept complaining about ringing in my ear and not being able to hear properly, but nothing was done.

After being wrongfully convicted and making an unintelligent plea (I could not hear and Attorney knew this and failed to notify the Court), I was sentenced. I complained at Lorain Correctional, but was told I could not get seen by an Audiologist until I was at my home prison for 6 months. On August 7, 2019, I was finally seen at Franklin Medical Center and diagnosed by an Audiologist with a ruptured eardrum that was permanently damaged.

4. INJURY:

State how you were injured by the actions or inactions of the Defendant(s): Due to the shower area being large (6 feet by 12 feet), the fact that I had to step over a 4-inch barrier to get in and there were no handrails or anti-skid mats, or a shower chair for elderly/handicapped inmates, I slipped and fell. As there was nothing to prevent me from falling, I hit my head hard and the pressure of the fall ruptured my right ear drum and dislocated my middle and 4th finger on my right hand. The shower was not A.D.A. Compliant. A reasonably prudent person would have installed something to minimize the risk of injury, especially to elderly inmates.

Add on the fact that the shower drains often backed up with Black Mold and thousands of tiny Leeches and when the level went back down, the floors became extremely slippery and proper care was not done, the jail is liable. The Jails deliberate indifference and blatant negligence in correcting these problems or doing anything after many injuries occurred because of this, make them 1000% liable. Since this lawsuit was filed, the shower areas have been remodeled, thereby verifying the allegations and establishing liability.

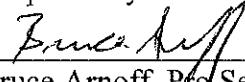
5. **Administrative Remedies:**

- a. Are there any administrative remedies available at the jail? X - Yes
- b. Did you submit a request for administrative relief? X - Yes
- c. Did you Appeal your request for relief? X - No
- d. If you did not submit and appeal, briefly explain why: I filled out a complaint form and sent it to the Warden, it was never answered so I did not have any way to appeal.

E. REQUEST FOR RELIEF

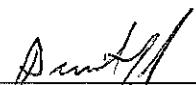
1. State the relief you are seeking: Due to the blatant Negligence and Deliberate Indifference of the Sheriff and his Employees, I am permanently disabled due to the loss of hearing. This cause me to be wrongfully convicted as I could not properly hear or understand what was going on in Court. I lost my Security Company, which had been in business since 1994. I am now fighting my wrongful conviction and my family has been left homeless and broke. Since the Jail is required by law to have Commercial Liability Insurance, we request the maximum amount allowed by the Policy, which should be \$10 Million dollars. This will cover all the losses I have suffered plus will help me prevail in my wrongful conviction actions. Please have this case ruled by a Judge, not a Magistrate in order to insure that this case is ruled on based on its merits, fairly and impartially.

Respectfully Submitted,


Bruce Arnoff, Pro Se'
P.O. Box 8107
Mansfield, Ohio 44901

CERTIFICATE OF SERVICE

I declare (or certify, verify or state) under penalty of perjury, that the foregoing is true and correct and that this Civil Complaint was placed in the prison mailing system and sent via regular US Mail on the 17th day of March, 2022.


Bruce Arnoff, A754939